NOTES OF CASES.

Attorney and Client—Representing Conflicting Interests—Eiseman v. Hazard, N. Y. Ct. of App., 112 N. E. 722.—In the principal case the court said: "It is not always improper or unlawful for an attorney at law to represent conflicting interests. Adverse interests, if they are to be adjusted, may be represented by the same counsel, though the cases in which this can be done are exceptional, and never entirely free from danger of conflicting duties. Lawall *v.* Groman, 180 Pa. 532, 37 Atl. 98, 57 Am. St. Rep. 662; Jones *v.* Howard, 99 Ga. 451, 27 S. E. 765, 59 Am. St. Rep. 231; Jones *v.* Lamont, 118 Cal. 499, 50 Pac. 766, 62 Am. St. Rep. 251; Shaw *v.* Bill, 95 U. S. 10, 24 L. Ed. 333.

[2] But let us see what the plaintiff in this case undertook to do. The contract between him and the defendant was that he should straighten out the affairs of E. C. Hazard & Co. and get control of the firm for the defendant. It was contemplated that this should be done by an involuntary proceeding in bankruptcy, and a settlement with the creditors. Pursuant to that arrangement, the plaintiff induced William Lanahan & Son to institute the bankruptcy proceeding, and he afterwards met with the creditors and brought about the composition agreement. That was precisely what the plaintiff was employed to do, and the defendant knew of the different steps he took in her behalf, and she approved the same. It was all incident to his original retainer.

If the plaintiff's conduct in this case is to be condemned, it is not because he was untrue to his client and represented both her and those opposed to her in the same transaction. It must be that it was unlawful for him to accept such a retainer as he did accept, but I cannot see that it was unlawful. There may be some criticism of the plaintiff's conduct in coercing the bankrupts into giving the defendant a controlling interest in the corporations formed to carry on the business of the defunct firm, but that was within the terms of his employment. The defendant can find no fault therewith. The only persons who might find fault are the bankrupts who were so coerced, but they have entered no complaint. The rule of law laid down in the opinion of the Appellate Division, and the cases therein cited, as to the responsibilities of an attorney at law to his client, are wholesome regulations, but they have no application to this case."

Automobiles—Loans—Car and Driver—Invited Guest—Kennedy v. R. & L. Co., 112 N. E. 872.—In the principal case it was held that where an automobile owner loaned his car and driver for a particular purpose to others who invited plaintiff to ride with them, the plaintiff was a mere licensee to whom the owner was not liable for negligence, but only for wanton and reckless acts. The court said: